



General Assembly

February Session, 2016

***Raised Bill No. 214***

LCO No. 1316

\* \_\_\_\_\_SB00214JUD\_\_\_\_032216\_\_\_\_\*

Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
AUDITORS OF PUBLIC ACCOUNTS WITH RESPECT TO PROBATE  
COURTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-61dd of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2016*):

4 (a) Any person having knowledge of any matter involving  
5 corruption, unethical practices, violation of state laws or regulations,  
6 mismanagement, gross waste of funds, abuse of authority or danger to  
7 the public safety occurring in any state department, [or] agency or any  
8 quasi-public agency, as defined in section 1-120, or any Probate Court,  
9 or any person having knowledge of any matter involving corruption,  
10 violation of state or federal laws or regulations, gross waste of funds,  
11 abuse of authority or danger to the public safety occurring in any large  
12 state contract, may transmit all facts and information in such person's  
13 possession concerning such matter to the Auditors of Public Accounts.  
14 The Auditors of Public Accounts shall review such matter and report  
15 their findings and any recommendations to the Attorney General.

16 Upon receiving such a report, the Attorney General shall make such  
17 investigation as the Attorney General deems proper regarding such  
18 report and any other information that may be reasonably derived from  
19 such report. Prior to conducting an investigation of any information  
20 that may be reasonably derived from such report, the Attorney  
21 General shall consult with the Auditors of Public Accounts concerning  
22 the relationship of such additional information to the report that has  
23 been issued pursuant to this subsection. Any such subsequent  
24 investigation deemed appropriate by the Attorney General shall only  
25 be conducted with the concurrence and assistance of the Auditors of  
26 Public Accounts. At the request of the Attorney General or on their  
27 own initiative, the auditors shall assist in the investigation.

28 (b) (1) The Auditors of Public Accounts may reject any complaint  
29 received pursuant to subsection (a) of this section if the Auditors of  
30 Public Accounts determine one or more of the following:

31 (A) There are other available remedies that the complainant can  
32 reasonably be expected to pursue;

33 (B) The complaint is better suited for investigation or enforcement  
34 by another state agency;

35 (C) The complaint is trivial, frivolous, vexatious or not made in  
36 good faith;

37 (D) Other complaints have greater priority in terms of serving the  
38 public good;

39 (E) The complaint is not timely or is too long delayed to justify  
40 further investigation; or

41 (F) The complaint could be handled more appropriately as part of  
42 an ongoing or scheduled regular audit.

43 (2) If the Auditors of Public Accounts reject a complaint pursuant to  
44 subdivision (1) of this subsection, the Auditors of Public Accounts

45 shall provide a report to the Attorney General setting out the basis for  
46 the rejection.

47 (3) If at any time the Auditors of Public Accounts determine that a  
48 complaint is more appropriately investigated by another state agency,  
49 the Auditors of Public Accounts shall refer the complaint to such  
50 agency. The investigating agency shall provide a status report  
51 regarding the referred complaint to the Auditors of Public Accounts  
52 upon request.

53 (c) Notwithstanding the provisions of section 12-15, the  
54 Commissioner of Revenue Services may, upon written request by the  
55 Auditors of Public Accounts, disclose return or return information, as  
56 defined in section 12-15, to the Auditors of Public Accounts for  
57 purposes of preparing a report under subsection (a) or (b) of this  
58 section. Such return or return information shall not be published in  
59 any report prepared in accordance with subsection (a) or (b) of this  
60 section, and shall not otherwise be redisclosed, except that such  
61 information may be redisclosed to the Attorney General for purposes  
62 of an investigation authorized by subsection (a) of this section. Any  
63 person who violates the provisions of this subsection shall be subject to  
64 the provisions of subsection (g) of section 12-15.

65 (d) The Attorney General may summon witnesses, require the  
66 production of any necessary books, papers or other documents and  
67 administer oaths to witnesses, where necessary, for the purpose of an  
68 investigation pursuant to this section or for the purpose of  
69 investigating a suspected violation of subsection (a) of section 4-275  
70 until such time as the Attorney General files a civil action pursuant to  
71 section 4-276. Upon the conclusion of the investigation, the Attorney  
72 General shall where necessary, report any findings to the Governor, or  
73 in matters involving a Probate Court to the Probate Court  
74 Administrator, or in matters involving criminal activity, to the Chief  
75 State's Attorney. In addition to the exempt records provision of section  
76 1-210, the Auditors of Public Accounts and the Attorney General shall  
77 not, after receipt of any information from a person under the

78 provisions of this section or sections 4-276 to 4-280, inclusive, disclose  
79 the identity of such person without such person's consent unless the  
80 Auditors of Public Accounts or the Attorney General determines that  
81 such disclosure is unavoidable, and may withhold records of such  
82 investigation, during the pendency of the investigation.

83 (e) (1) No state officer or employee, as defined in section 4-141, no  
84 quasi-public agency officer or employee, no officer or employee of a  
85 large state contractor and no appointing authority shall take or  
86 threaten to take any personnel action against any state or quasi-public  
87 agency employee or any employee of a large state contractor in  
88 retaliation for (A) such employee's or contractor's disclosure of  
89 information to (i) an employee of the Auditors of Public Accounts or  
90 the Attorney General under the provisions of subsection (a) of this  
91 section; (ii) an employee of the state agency or quasi-public agency  
92 where such state officer or employee is employed; (iii) an employee of  
93 a state agency pursuant to a mandated reporter statute or pursuant to  
94 subsection (b) of section 17a-28; (iv) an employee of the Probate Court  
95 where such employee is employed; or [(iv)] (v) in the case of a large  
96 state contractor, an employee of the contracting state agency  
97 concerning information involving the large state contract; or (B) such  
98 employee's testimony or assistance in any proceeding under this  
99 section.

100 (2) (A) Not later than ninety days after learning of the specific  
101 incident giving rise to a claim that a personnel action has been  
102 threatened or has occurred in violation of subdivision (1) of this  
103 subsection, a [state or] quasi-public agency or state employee, an  
104 employee of a large state contractor or the employee's attorney may  
105 file a complaint against the state agency, quasi-public agency, Probate  
106 Court, large state contractor or appointing authority concerning such  
107 personnel action with the Chief Human Rights Referee designated  
108 under section 46a-57. Such complaint may be amended if an additional  
109 incident giving rise to a claim under this subdivision occurs  
110 subsequent to the filing of the original complaint. The Chief Human

111 Rights Referee shall assign the complaint to a human rights referee  
 112 appointed under section 46a-57, who shall conduct a hearing and issue  
 113 a decision concerning whether the officer or employee taking or  
 114 threatening to take the personnel action violated any provision of this  
 115 section. The human rights referee may order a state agency [or] quasi-  
 116 public agency or Probate Court to produce (i) an employee of such  
 117 agency, [or] quasi-public agency or Probate Court to testify as a  
 118 witness in any proceeding under this subdivision, or (ii) books, papers  
 119 or other documents relevant to the complaint, without issuing a  
 120 subpoena. If such agency, [or] quasi-public agency or Probate Court  
 121 fails to produce such witness, books, papers or documents, not later  
 122 than thirty days after such order, the human rights referee may  
 123 consider such failure as supporting evidence for the complainant. If,  
 124 after the hearing, the human rights referee finds a violation, the referee  
 125 may award the aggrieved employee reinstatement to the employee's  
 126 former position, back pay and reestablishment of any employee  
 127 benefits for which the employee would otherwise have been eligible if  
 128 such violation had not occurred, reasonable attorneys' fees, and any  
 129 other damages. For the purposes of this subsection, such human rights  
 130 referee shall act as an independent hearing officer. The decision of a  
 131 human rights referee under this subsection may be appealed by any  
 132 person who was a party at such hearing, in accordance with the  
 133 provisions of section 4-183.

134 (B) The Chief Human Rights Referee shall adopt regulations, in  
 135 accordance with the provisions of chapter 54, establishing the  
 136 procedure for filing complaints and noticing and conducting hearings  
 137 under subparagraph (A) of this subdivision.

138 (3) As an alternative to the provisions of subdivision (2) of this  
 139 subsection: (A) A state or quasi-public agency employee who alleges  
 140 that a personnel action has been threatened or taken may file an appeal  
 141 not later than ninety days after learning of the specific incident giving  
 142 rise to such claim with the Employees' Review Board under section 5-  
 143 202, or, in the case of a state or quasi-public agency employee covered

144 by a collective bargaining contract, in accordance with the procedure  
 145 provided by such contract; or (B) an employee of a Probate Court or of  
 146 a large state contractor alleging that such action has been threatened or  
 147 taken may, after exhausting all available administrative remedies,  
 148 bring a civil action in accordance with the provisions of subsection (c)  
 149 of section 31-51m.

150 (4) In any proceeding under subdivision (2) or (3) of this subsection  
 151 concerning a personnel action taken or threatened against any [state  
 152 or] quasi-public agency or state employee or any employee of a large  
 153 state contractor, which personnel action occurs not later than two years  
 154 after the employee first transmits facts and information concerning a  
 155 matter under subsection (a) of this section or discloses information  
 156 under subdivision (1) of this subsection to the Auditors of Public  
 157 Accounts, the Attorney General or an employee of a state agency, [or]  
 158 quasi-public agency or Probate Court, as applicable, there shall be a  
 159 rebuttable presumption that the personnel action is in retaliation for  
 160 the action taken by the employee under subsection (a) of this section or  
 161 subdivision (1) of this subsection.

162 (5) If a state officer or employee, as defined in section 4-141, a quasi-  
 163 public agency officer or employee, an officer or employee of a large  
 164 state contractor or an appointing authority takes or threatens to take  
 165 any action to impede, fail to renew or cancel a contract between a state  
 166 agency and a large state contractor, or between a large state contractor  
 167 and its subcontractor, in retaliation for the disclosure of information  
 168 pursuant to subsection (a) of this section or subdivision (1) of this  
 169 subsection to any agency listed in subdivision (1) of this subsection,  
 170 such affected agency, contractor or subcontractor may, not later than  
 171 ninety days after learning of such action, threat or failure to renew,  
 172 bring a civil action in the superior court for the judicial district of  
 173 Hartford to recover damages, attorney's fees and costs.

174 (f) Any employee of a state or quasi-public agency, Probate Court or  
 175 large state contractor, who is found by the Auditors of Public  
 176 Accounts, the Attorney General, a human rights referee or the

177 Employees' Review Board to have knowingly and maliciously made  
178 false charges under subsection (a) of this section, shall be subject to  
179 disciplinary action by such employee's appointing authority up to and  
180 including dismissal. In the case of a state or quasi-public agency  
181 employee, such action shall be subject to appeal to the Employees'  
182 Review Board in accordance with section 5-202, or in the case of state  
183 or quasi-public agency employees included in collective bargaining  
184 contracts, the procedure provided by such contracts.

185 (g) On or before September first, annually, the Auditors of Public  
186 Accounts shall submit, in accordance with the provisions of section 11-  
187 4a, to the clerk of each house of the General Assembly a report  
188 indicating the number of matters for which facts and information were  
189 transmitted to the auditors pursuant to this section during the  
190 preceding state fiscal year and the disposition of each such matter.

191 (h) Each contract between a state or quasi-public agency and a large  
192 state contractor shall provide that, if an officer, employee or  
193 appointing authority of a large state contractor takes or threatens to  
194 take any personnel action against any employee of the contractor in  
195 retaliation for such employee's disclosure of information to any  
196 employee of the contracting state or quasi-public agency or the  
197 Auditors of Public Accounts or the Attorney General under the  
198 provisions of subsection (a) or subdivision (1) of subsection (e) of this  
199 section, the contractor shall be liable for a civil penalty of not more  
200 than five thousand dollars for each offense, up to a maximum of  
201 twenty per cent of the value of the contract. Each violation shall be a  
202 separate and distinct offense and in the case of a continuing violation  
203 each calendar day's continuance of the violation shall be deemed to be  
204 a separate and distinct offense. The executive head of the state or  
205 quasi-public agency may request the Attorney General to bring a civil  
206 action in the superior court for the judicial district of Hartford to seek  
207 imposition and recovery of such civil penalty.

208 (i) Each state agency or quasi-public agency shall post a notice of the  
209 provisions of this section relating to state employees and quasi-public

210 agency employees in a conspicuous place that is readily available for  
211 viewing by employees of such agency or quasi-public agency. Each  
212 Probate Court shall post a notice of the provisions of this section  
213 relating to Probate Court employees in a conspicuous place that is  
214 readily available for viewing by employees of such court. Each large  
215 state contractor shall post a notice of the provisions of this section  
216 relating to large state contractors in a conspicuous place which is  
217 readily available for viewing by the employees of the contractor.

218 (j) No person who, in good faith, discloses information in  
219 accordance with the provisions of this section shall be liable for any  
220 civil damages resulting from such good faith disclosure.

221 (k) As used in this section:

222 (1) "Large state contract" means a contract between an entity and a  
223 state or quasi-public agency, having a value of five million dollars or  
224 more; and

225 (2) "Large state contractor" means an entity that has entered into a  
226 large state contract with a state or quasi-public agency.

227 (l) (1) No officer or employee of a state shellfish grounds lessee shall  
228 take or threaten to take any personnel action against any employee of a  
229 state shellfish grounds lessee in retaliation for (A) such employee's  
230 disclosure of information to an employee of the leasing agency  
231 concerning information involving the state shellfish grounds lease, or  
232 (B) such employee's testimony or assistance in any proceeding under  
233 this section.

234 (2) (A) Not later than ninety days after learning of the specific  
235 incident giving rise to a claim that a personnel action has been  
236 threatened or has occurred in violation of subdivision (1) of this  
237 subsection, an employee of a state shellfish grounds lessee or the  
238 employee's attorney may file a complaint against the state shellfish  
239 grounds lessee concerning such personnel action with the Chief  
240 Human Rights Referee designated under section 46a-57. Such



241 complaint may be amended if an additional incident giving rise to a  
242 claim under this subdivision occurs subsequent to the filing of the  
243 original complaint. The Chief Human Rights Referee shall assign the  
244 complaint to a human rights referee appointed under section 46a-57,  
245 who shall conduct a hearing and issue a decision concerning whether  
246 the officer or employee taking or threatening to take the personnel  
247 action violated any provision of this subsection. The human rights  
248 referee may order a state shellfish grounds lessee to produce (i) an  
249 employee of such lessee to testify as a witness in any proceeding under  
250 this subdivision, or (ii) books, papers or other documents relevant to  
251 the complaint, without issuing a subpoena. If such state shellfish  
252 grounds lessee fails to produce such witness, books, papers or  
253 documents, not later than thirty days after such order, the human  
254 rights referee may consider such failure as supporting evidence for the  
255 complainant. If, after the hearing, the human rights referee finds a  
256 violation, the referee may award the aggrieved employee  
257 reinstatement to the employee's former position, back pay and  
258 reestablishment of any employee benefits for which the employee  
259 would otherwise have been eligible if such violation had not occurred,  
260 reasonable attorneys' fees and any other damages. For the purposes of  
261 this subsection, such human rights referee shall act as an independent  
262 hearing officer. The decision of a human rights referee under this  
263 subsection may be appealed by any person who was a party at such  
264 hearing, in accordance with the provisions of section 4-183.

265 (B) The Chief Human Rights Referee shall adopt regulations, in  
266 accordance with the provisions of chapter 54, establishing the  
267 procedure for filing complaints and noticing and conducting hearings  
268 under subparagraph (A) of this subdivision.

269 (3) As an alternative to the provisions of subdivision (2) of this  
270 subsection, an employee of a state shellfish grounds lessee who alleges  
271 that a personnel action has been threatened or taken may, after  
272 exhausting all available administrative remedies, bring a civil action in  
273 accordance with the provisions of subsection (c) of section 31-51m.

274       (4) In any proceeding under subdivision (2) or (3) of this subsection  
275 concerning a personnel action taken or threatened against any  
276 employee of a state shellfish grounds lessee, which personnel action  
277 occurs not later than two years after the employee first transmits facts  
278 and information to an employee of the leasing agency concerning the  
279 state shellfish grounds lease, there shall be a rebuttable presumption  
280 that the personnel action is in retaliation for the action taken by the  
281 employee under subdivision (1) of this subsection.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2016</i>	4-61dd
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***JUD***       *Joint Favorable*